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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,025	09/29/2003	David Holiviers	1316N-001678	4518

27572 7590 09/23/2004

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EXAMINER

TORRES, MELANIE

ART UNIT PAPER NUMBER

3683

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/674,025	HOLIVIERS ET AL.	
	Examiner	Art Unit	
	Melanie Torres	3683	<i>MT</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,8,10,12-14,17 and 19 is/are rejected.
- 7) ☒ Claim(s) 5-7,9,11,15,16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>02/09/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 14, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer '910.

3. Re claims 1-3, 14, 17 and 19, Palmer discloses a shock absorber comprising: a pressure tube (32) forming a working chamber, a piston (50) slidably disposed within said working chamber, said piston body dividing said working chamber into an upper working chamber and a lower working chamber; a piston rod (30) attached to said piston body, said piston body extending through one end of said pressure tube; a reservoir tube (14) surrounding said pressure tube to form a reservoir chamber (26) between said reservoir tube and said pressure tube; a base valve assembly (80) disposed between said working chamber and said reservoir chamber; and a baffle (45) disposed within said reservoir chamber, said baffle defining a non-linear flow channel between a first portion of said reservoir chamber and second portion of said reservoir chamber, said non-linear flow channel being the only flow channel between said first and second portions of said reservoir chamber.

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4. Claims 1, 2, 8, 10, 12, 14, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Heckethorn.

Re claims 1, 2, 8, 10, 12, 14, 17 and 19, Heckethorn discloses a shock absorber comprising: a pressure tube (10) forming a working chamber, a piston (12) slidably disposed within said working chamber, said piston body dividing said working chamber into an upper working chamber and a lower working chamber; a piston rod (16) attached to said piston body, said piston body extending through one end of said pressure tube; a reservoir tube (22) surrounding said pressure tube to form a reservoir chamber (24) between said reservoir tube and said pressure tube; a base valve assembly (100) disposed between said working chamber and said reservoir chamber; and a baffle (130) disposed within said reservoir chamber, said baffle defining a non-linear flow channel (136) between a first portion of said reservoir chamber and second portion of said reservoir chamber, said non-linear flow channel being the only flow channel between said first and second portions of said reservoir chamber.

5. Claims 1-3 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Stock.

Re claims 1-3 and 12, Stock discloses a shock absorber comprising: a pressure tube (10) forming a working chamber, a piston (11) slidably disposed within said working chamber, said piston body dividing said working chamber into an upper working chamber and a lower working chamber; a piston rod (12) attached to said piston body, said piston body extending through one end of said pressure tube; a reservoir tube (16)

surrounding said pressure tube to form a reservoir chamber (27) between said reservoir tube and said pressure tube; a base valve assembly (24) disposed between said working chamber and said reservoir chamber; and a baffle (30) disposed within said reservoir chamber, said baffle defining a non-linear flow channel (between coils of element 130) between a first portion of said reservoir chamber and second portion of said reservoir chamber, said non-linear flow channel being the only flow channel between said first and second portions of said reservoir chamber.

***Allowable Subject Matter***

6. Claims 5-7, 9, 11, 15, 16, and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee and Fader et al. teach a shock absorber comprising a baffle.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (703)305-0293. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on (703)308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MT

September 19, 2004